

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2017

CORAM

THE HON'BLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.4120 of 2014

S.Thirunavukkarasu

... Petitioner

Vs

1. The Secretary to Government,
Employment and Training Department,
Fort St.George, Chennai-600 009.
2. The Director,
Employment and Training Department,
Guindy, Chennai-600 032.
3. The Special District Employment Officer,
(DEO) for Physically Handicapped
Guindy, Chennai-600 032.
4. The Chief Commissioner
for Persons with Disabilities(CCPD),
Sarojini House, 6 Bhagwan Dass Road,
New Delhi-110 001.
5. The Commissioner, Disabilities(CPD),
Government of Tamil Nadu,
State Resource-cum-Training Centre campus,
Jawaharlal Nehru inner ring road,
K.K.Nagar, Chennai-600 078.

... Respondents

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in its Letter No.A2/973/13 dated 17/07/2013 pertaining to the Registration No.CHS1989M00000531 dated 25.05.1989 and quash the same consequentially directing the respondents 1 to 5 herein to consider the case of the petitioner for employment opportunities by relaxing the age and qualification in accordance to the persons with Disabilities(Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

For Petitioner : No appearance

For Respondents : Mrs.K.Bhuvaneswari
Government Advocate
for RR1 to 3 and 5

: Mr.V.Venkatesan
Senior Central Government
Standing Counsel for R4

O R D E R

The Matter was listed for hearing on 12.10.2017 and there was no representation on behalf of the writ petitioner. Once again, the case is listed for hearing under the caption "for dismissal" on 13.10.2017, but today also none represented on behalf of the writ petitioner.

Thus, the writ petition stands dismissed for Non-prosecution. However, there shall be no order as to costs.

dna

13.10.2017

This matter having been listed under the caption for Being Mentioned on 12.12.2017 pursuant to the order of this Court dated 13.10.2017 and made herein in the presence of the aforesaid counsel on the either side, the court made the following order;

Today the writ petition is posted under the caption 'For Being Mentioned' and this Court passed the following order:-

"The relief sought for in this writ petition is to call for the records of the 3rd respondent in its Letter No.A2/973/13 dated 17.7.2013 pertaining to the Registration No. CHS1989M00000531 dated 25.5.1989 and quash the same consequentially direct the respondents 1 to 5 herein to consider the case of the petitioner for employment opportunities by relaxing the age and qualification in accordance to The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2. In the impugned order dated 17.07.2013, it is stated that an application seeking appointment for the petitioner, cannot be considered on account of non-availability of vacancy in the Department.

3. The learned counsel appearing for the writ petitioner states that the petitioner is qualified for appointment in the Government Department in this regard and thus, made a representation to the respondents to consider the same.

4. Appointment can never be claimed as a matter of right. Mere participation in the process of selection will not confer any right to seek an order of appointment. All appointments to the public posts should be made only under the Constitutional scheme.

5. The relief sought for in this writ petition is to consider the representation submitted to the respondents, cannot be considered at all.

6. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs."

SVN

12.12.2017

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Employment and Training Department,
Fort St.George, Chennai-600 009.
2. The Director,
Employment and Training Department,
Guindy, Chennai-600 032.
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State Resource-cum-Training Centre campus,
Jawaharlal Nehru inner ring road,
K.K.Nagar, Chennai-600 078.

+1cc to Mr.M.Jaikumar, Advocate, S.R.No.74448

+1cc to the Government Pleader, S.R.No.74754

W.P.No.4120 of 2014

SKV(CO)

CA(10/11/2017)

<https://hcservices.ecourts.gov.in/hcservices/>

EU 14.12.2017